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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/629,595 | 07/30/2003 | Emmanuelle Moisy | 11016-0017 | 6220 |

7590

10/29/2004

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| EXAMINER |
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REDMAN, JERRY E

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| ART UNIT | PAPER NUMBER |
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3634

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,595

Applicant(s)


MOISY ET AL.

Examiner

Jerry Redman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/27/2004.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the metal strength member being corrugated as recited in claim 5 and a single-flange type as recited in claim 18, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are further objected to because Figure 1 fails to be labeled as "prior art". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The disclosure is objected to because of the following informalities: on page 7, lines 5-6, the applicant refers to elements 9 and 11 which can not be located in Figure 6 as described.

Appropriate correction is required.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is a lack of antecedent basis for the following: In claim 1, line 5, "the frame", line 6, "the vehicle", lines 7-8, "the reinforcing means"; In claim 4, lines 1-2, "the reinforcing means"; In claim 5, lines 1-2, "the reinforcing means", line 2, "the form"; In claim 7, line 3, "the inside"; In claim 8, line 6, "the sheet metal clearances", lines 6-7, "the clearance-accommodating lip", line 7, "the root"; In claim 9, line 3, "the roots", lines 4-5, "the two ends", line 7, "the sliding pane"; In claim 10, lines 2-3, "the root"; In claim 15, line 4, "the jaws", "the clip", line 5, "the flange", line 6, "the web", "the clip", line 8, "the web", "the clip", line 9, "the flange"; and In claim 17, line 2, "the hidden frame type". In claim 1, line 1, the phraseology "a weatherstrip forming a slideway" is not readily understood by the Examiner. Specifically, what is meant by a "slideway"? Does the applicant mean that the weatherstrip forms a channel for a window pane to slide therein? In claim 1, line 2, it appears that "strip" should be -- weatherstrip--. In claim 1, lines 2-3, the phraseology "at least one reinforced clip of channel section with a web and two jaws" is not readily understood by the Examiner. Is

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the applicant trying to claim a clip having a web and two jaws, which form a channel section? In claim 1, lines 8-11, the phraseology "means of the clip are situated either solely in the jaws, or solely in the web of the clip, or else they are situated in one of the jaws and also in the web of the clip" is not readily understood by the Examiner. Exactly what is the applicant trying to claim? In claim 2, line 2, and claim 3, line 2, is "a slideway" the same slideway as recited in claim 1, line 1? In claim 14, line 2, the phraseology "or based on polypropylene" is not readily understood by the Examiner. Specifically, what is meant by "based on." In claim 17, line 2, the phraseology "the hidden frame type" is not readily understood by the Examiner. In claim 18, lines 1-2, the phraseology "a single-flange type" is not readily understood by the Examiner. It's clear that all of the applicant's figures (except for maybe figure 6) disclose two flanges.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –


(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, claims 1-18 are further rejected under 35 U.S.C. 102(b) as being anticipated by Morita. As shown in Figure 1, Morita discloses a weatherstrip comprising a metal reinforced clip (2) formed of polypropylene and having a web (21 the top portion), two jaws (the portion on each side of flange (911)), a flange (911), a retaining abutment (the portion on the right side of the flange (911)), lips (the portions

on the jaws which contact the flange (911)), and a hinging portion of reduced thickness (the portion just below element 124).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Great Britain patent to Bright discloses a "corrugated" reinforcement element similar to that of the applicant's invention. U.S. patent to Andrzejewski et al. disclose a weatherstrip having a sealing arrangement similar to that of the applicant's invention. U.S. patent to Backes et al. disclose a clip/flange assembly for holding a weatherstrip similar to that of the applicant's invention. U.S. patent to Ahlfeld et al. disclose a weatherstrip similar to the applicant's Figure 6 embodiment. U.S. patent to Guillon ('305) discloses a reinforcement element on the outside of the "clip" similar to that of the applicant's invention. Great Britain patent No. 878,335 discloses a weatherstrip having clips attached to a flange similar to that of the applicant's invention. U.S. patent to Mishima et al. discloses a weatherstrip assembly mounted to a vehicle door similar to that of the applicant's invention. U.S. patent to Guillon ('102, Figure 4) discloses a flange mounting assembly similar to that of the applicant's invention.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120.


Jerry Redman
Primary Examiner